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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,842	08/04/2003	Shinji Hayashi	086142-0573	5064
22428	7590	05/24/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			ENGLISH, PETER C	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,842

Applicant(s)

HAYASHI, SHINJI

Examiner

Peter C. English

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20030804</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because:

In Figs. 3-7, the view label (e.g., "Fig. 3") should be oriented in the same direction as the view itself.

In Fig. 3, the text "opening" should be deleted.

Figs. 4-7 should each be labeled "PRIOR ART" since only that which is old is illustrated.

2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to because:

In paragraph 40, at line 3, "circular-columnar" should be "cylindrical".

In paragraph 42, at line 3, "standing up" should be "depending".

In paragraph 42, at line 5, "26s" should be "26S".

In paragraph 43, at line 2, "uprising" should be "depending".

In paragraph 44, at line 3, "an uprising wall 26a uprising" should be "a wall 26a depending".

In paragraph 44, at lines 5 and 6, "uprising" should be "depending".

In paragraph 44, at line 6, "an insertion opening 28 for an upper piece" should be "insertion openings 28 for upper pieces". See Fig. 3.

In paragraph 44, at line 7, it appears that "cramp" should be "clamp".

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In paragraph 44, at line 8, "opening 28 is" should be "openings 28 are".

In paragraph 44, at line 9, "piece" should be "pieces".

In paragraph 44, at lines 9-10, "hole 29 for a bolt" should be "holes 29 for bolts".

In paragraph 45, at lines 1 and 2, it appears that "cramp" should be "clamp".

In paragraph 45, at line 3, "upper piece" should be "upper pieces".

In paragraph 46, at line 2, "the upper" should be "each upper".

In paragraph 46, at line 3, "nut" should be "nuts".

In paragraph 46, at line 4, "the" should be "each".

In paragraph 51, at line 2, "piece 31 is inserted into the opening" should be "pieces 31 are inserted in the openings".

In paragraph 51, at line 3, "upper piece" should be "upper pieces".

In paragraph 53, at line 4, it appears that "cramp" should be "clamp".

In paragraph 53, at line 5, "bolt" should be "bolts".

In paragraph 55, at line 3 and lines 5-6, "upper piece" should be "upper pieces".

In paragraph 56, at line 3, "upper piece" should be "upper pieces".

In paragraph 57, at line 1, "opening 29 of the leg piece 26b is" should be "openings 29 of the leg piece 26b are".

In paragraph 57, at line 2, "a loose hole" should be "loose holes".

Appropriate correction is required.

Claim Objections

4. Claims 4-10 are objected to because:

In claim 4, at line 2, it appears that "cramp" should be "clamp".

In claim 5, at line 6, it appears that "cramp" should be "clamp".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, at line 5, "the backside" lacks proper antecedent basis. The examiner suggests that this be changed to "a backside".

In claim 5, at line 7, "...that extends rearwardly away from the seat" fails to accurately describe the parallel members 31, 32. The examiner suggests: at line 7, change "seat" to "container".

In claim 10, at line 1, "the other opposing sides" lacks proper antecedent basis. The examiner suggests: at line 1, insert "of the" before "opposing".

In claim 10, at line 2, "rearward extending" fails to accurately describe the wall section 26B. The examiner suggests: at line 7, change "rearward" to "downwardly".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Labrie et al. (US 5,941,558). Labrie et al. discloses an air bag apparatus comprising a container 20 accommodating an air bag 24. As shown in Fig. 2, a lower side of the container 20 has a depending flange that is fixed to an instrument panel 12 by a fastener. The depending flange and associated fastener are considered to be a "locking part" as broadly claimed. As also shown in Fig. 2, an upper side of the container 20 has an upstanding flange 64 that is fixed to a wall section 50 depending from the instrument panel 12. The flange 64 and wall section 50 are fixed

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to one another by a U-shaped channel 58 and a fastener 62, the channel 58 comprising two parallel members that receive an end of the wall section 50.

8. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Desprez (US 6,595,543). Desprez discloses an air bag apparatus comprising a container 42 accommodating an air bag 9. Upper and lower sides of the container 42 each have a hook 44 that is received in an opening 28 of a wall 24 depending from an instrument panel 4. The upper side of the container 42 is secured to the respective wall 24 by a fixing strip 50 and a fastener 46. The fixing strip 50 and the associated hook 44 cooperate to form a clamping structure.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Labrie et al. (US 5,941,558). Labrie et al. fails to teach that the fastener 62 is a bolt. The examiner takes Official notice that bolts are well-known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Labrie et al. by using a bolt as the fastener because bolts can be accurately tightened to a specified degree and provide a strong connection.

11. Claims 1-6 and 8-10 are rejected under 35 U.S.C. 103(a) as being obvious over Kitagawa (JP 2001-322523) in view of Pray (US 5,217,253). Kitagawa discloses an air bag apparatus comprising a container 2 accommodating an air bag 3. A first side of the container 2 has a hook 15 that is received in an opening 8 of a wall 7 depending from an instrument panel 5. A second side of the container 2 has an outwardly extending flange 16b secured to a wall (see Fig. 1)

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depending from the instrument panel 5 by bolt 10a. Kitagawa lacks a clamping structure securing the second side of the container to the instrument panel. Pray teaches a container 22 having a first side secured to an instrument panel structure 20 by a hook 30. A second side of the container 22 has a flange 70 secured to a portion of the instrument panel structure 20 by a clamping plate 90 and fasteners 50. From this teaching of Pray, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kitagawa by adding a clamping plate to form a clamping structure that secures the second side of the container to the wall depending from the instrument panel in order to provide a more secure connection.

Allowable Subject Matter

12. Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

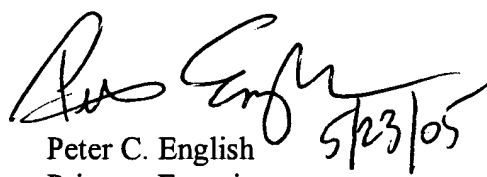
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koma, Manire and Davis, Jr. et al. teach clamping structures for securing air bag containers to instrument panels.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. English whose telephone number is 571-272-6671. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Peter C. English
Primary Examiner
Art Unit 3616

5/23/05

pe
23 May 2005